

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRUCE BANDY, <i>et al.</i> ,)	Case No.: 1:08 CV 1064
)	
Plaintiffs)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
FIFTH THIRD BANK, <i>et al.</i> ,)	
)	
Defendants)	<u>ORDER</u>

Now pending before the court in the above-captioned case is Plaintiffs Bruce Bandy, *et al.*'s ("Plaintiffs") Motion for Clarification of the court's January 15, 2009 Ruling (ECF No. 72), Plaintiffs' Motion for Order Scheduling 12(b)(6) Motions and Response (ECF No. 76), Defendant Deutsche Bank Trust Company Americas' Motion for Extension of Time to Answer, Move, Plead, or Otherwise Respond to the Second Amended Complaint (ECF No. 84), and various Motions to Dismiss filed by Defendants (ECF Nos. 30, 31, 39, 40, 43, 47, 50, 51, 52, 54, 70, 74, 77, 78, 80, 81, 82, 83, and 85).

The court, having recognized the confusion that arose from its January 15, 2009 Order (ECF No. 69), wishes to clarify and amend it. Defendants Fifth Third Bank, *et al.* ("Defendants") filed various Motions to Dismiss Plaintiffs' First Amended Complaint. In response, Plaintiffs requested an oral argument with regard to the Motions (ECF No. 56). Plaintiffs thereafter filed a Second Amended Complaint (ECF No. 69). The court, in issuing its January 15, 2009 Order, sought to deny Plaintiffs' Motion for an Oral Argument and require Plaintiffs to file responses to the pending

Motions to Dismiss to the extent that they remained relevant following Plaintiffs' Second Amended Complaint. Defendants, however, began filing Motions to Dismiss Plaintiffs' Second Amended Complaint. Accordingly, the court finds it necessary to amend its previous Order and institute a schedule for the parties to follow in responding to Plaintiffs' Second Amended Complaint.

Defendant Deutsche Bank Trust Company Americas seek an extension of time until February 18, 2009 to answer, move, plead, or otherwise respond to Plaintiffs' Second Amended Complaint (ECF No. 84). The court, however, previously granted Defendants Park National Bank and Richland Bank's Unopposed Motion for an Extension of Time until March 9, 2009 to Answer Plaintiffs' Second Amended Complaint (ECF No. 75). Accordingly, all Defendants who seek to renew their Motion to Plaintiffs' Second Amended Complaint, or otherwise answer or respond, must do so by March 9, 2009. Because many of these Motions to Dismiss raise identical legal issues, Plaintiffs seek to respond to these Motions with one opposition, as stated in their Motion for Scheduling Order (ECF No. 76). Plaintiffs may so respond within 30 days of March 9, 2009, the final day for Defendants to submit these Motions or other responses. Defendants will have 10 days from this opposition to then reply to Plaintiffs.

The court, therefore, denies as moot the following Motions to Dismiss Plaintiffs' First Amended Complaint filed by Defendants: ECF Nos. 30, 31, 39, 40, 43, 47, 50, 51, 52, and 54. Defendants who have not yet responded to Plaintiffs' Second Amended Complaint must do so by March 9, 2009. Plaintiffs thereafter will have 30 days to oppose any Motions to Dismiss, and Defendants will have 10 days thereafter to reply. All other Motions shall be filed in accordance with Local Rules. In so ruling, the court grants in part and denies in part Plaintiffs' Motion for Clarification of the Court's January 15, 2009 Ruling (ECF No. 72), Plaintiffs' Motion for

Scheduling 12(b)(6) Motions and Response (ECF No. 76), and Defendant Deutsche Bank Trust Company Americas' Motion for Extension of Time until February 18, 2009 to Answer, Move, Plead, or Otherwise Respond to the Second Amended Complaint (ECF No. 84).

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

February 4, 2009